

PATENT**D4701-00198****III. Remarks**

Claims 1-75 are pending in the current application.

Applicants are grateful to the Examiner for recognizing the allowable subject matter set forth in Claims 4-35, 39-52 and 56-75.

Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested in view of the following arguments.

A. Rejection under 35 U.S.C. §102(e)

The Action rejects Claims 1-3, 36-38 and 53-55 as being anticipated by U.S. Patent No. 6,556,974 to D'Alessandro.

Claim 1 recites that model data are provided to "an individual that is responsible at least in part for an environment." The model data represent one or more dimensions of the environment. Each of the one or more dimensions is associated with a characteristic of the individual. A selection of at least one of the dimensions is received from the individual, and an action plan for improving the at least one characteristic associated with the dimension is provided to the individual. As discussed below, it is submitted that D'Alessandro does not teach or suggest such a method or system.

D'Alessandro describes a system where a company can obtain an assessment of the company's performance through a survey conducted through a telephone, Internet or Intranet system. The data are stored and analyzed for an evaluation of the company's performance. (Abstract)

More specifically, the results of the survey are analyzed in order to generate a "written digest" of the organization's strengths and opportunity for improvement, such as in the following criteria: "Leadership"; "Strategic Planning"; "Customer and Market Focus"; "Information Analysis"; "Human Resource Focus"; "Process Management" and "Business Results." (Col. 9,

PATENT

D4701-00198

Line 31 – Col. 10, Line7). FIG. 5 shows a sample report provided to a company in the form of a table of points or scores for each category.

Turning to Claim 1, the Examiner concludes that D'Alessandro “discloses providing model data (i.e., business performance models) to an individual (i.e., business entity) that is responsible at least in part for said environment.” Respectfully, a “business entity” is not an “individual” responsible for an environment. Rather, the business entity is the environment. Concluding that the “business entity” is the “individual responsible for the environment” improperly rewrites Applicants’ claimed method step as “providing model data to a business entity that is responsible at least in part for the business entity.” Clearly, the business entity is not “an individual responsible for the environment.”

With that clarification, Claim 1 also requires that the recited one or more dimensions of the environment (for which the individual is responsible) be “associated with at least one characteristic” of the individual. A characteristic is clearly a personal characteristic, as it is associated with an “individual.” After at least one of the dimensions is selected by the individual, an “action plan” is provided “for improving at least one characteristic associated with said selected dimension.”

The Examiner identifies the “written digest” of D'Alessandro as the action plan recited in the claims. As discussed above, FIG. 5 of D'Alessandro shows an example of the written digest. The digest lists scores for the various criteria discussed above. The report of FIG. 5 is not, however, provided in response to a selection of at least one dimension by an individual. Rather, it is a summary analysis report of all of the data collected in the survey. Further, the summary report is not an “action plan” for improving a characteristic of the individual as claimed. The report may show deficiencies and strengths of an organization as a whole in selected areas, but it is clear from FIG. 5 that it is not a “plan” (e.g., a tasks, strategies, etc.) for an individual for improving a *specific characteristic of the individual*, the characteristic in turn affecting a dimension of an environment.

PATENT**D4701-00198**

Put another way, Applicant's claimed method provides a specific plan to an individual for improving one or more of the individual's personal characteristics, with the characteristic directly associated with the strength of an individual dimension of an environment. The belief is that by improving characteristics of an individual associated with a dimension of an environment, the environment will be improved. Clearly, this association of the characteristics of an individual with their affect on different dimensions of an environment are not described nor appreciated by D'Alessandro, and no such individual action plan is generated by the System of D'Alessandro.

Still further, Claim 1 recites the step of "receiving . . . a selection of at least one or more dimension of the environment" from the individual responsible for the environment. With respect to this step, the Examiner cites to D'Alessandro, Col 3, Lines 28-31, which provides "[i]n a preferred embodiment, an organization wishing to evaluate the performance of various key aspects of its operation selects one or more business performance models." The phrase "business performance model" (or even "model") is not used outside of this section in the description of D'Alessandro. It is believed that this statement refers to the organization's selection of what kind of model (e.g., the "Malcolm Baldrige" criteria) (Col. 8, Lines 39-51) that will be used to evaluate the organization. Different models will have different questions associated with them. (Col. 3, Lines 31-34). It is clear, therefore, that the selection of a particular model is a selection that is made before a survey is even completed, i.e., it determines the questions that will be asked. It is not a selection of a dimension by a user responsible for an environment based on the model data provided to the individual, nor is it the selection that is used in generation of an action plan for improvement of one or more characteristics of an individual as claimed.

For at least these reasons, it is submitted that Claim 1 is not anticipated by D'Alessandro and is allowable over the art of record. Claims 2-3 depend from Claim 1 and are also allowable. Claims 36-38 and 53-55 recite features that parallel those of Claim 1-2 and are, for at least the reason set forth above, also are not anticipated by and are allowable over D'Alessandro.

PATENT

D4701-00198

Accordingly, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

PATENT

D4701-00198

IV. Conclusion

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

If the Examiner should find that the foregoing does not place the application in condition for allowance, the Examiner is invited to call the undersigned to discuss the details thereof before issuing a substantive action.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: 2/13/06


Joseph A. Powers, Reg. No.: 47,006
Attorney For Applicants

DUANE MORRIS LLP
One Liberty Place
Philadelphia, Pennsylvania 19103-7396
(215) 979-1842 (Telephone)
(215) 979-1020 (Fax)